

Article - Criminal Procedure

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§11–618.

- (a)
 - (1) In this section the following words have the meanings indicated.
 - (2) “Agency” means the State Lottery and Gaming Control Agency.
 - (3) “Video lottery facility” has the meaning stated in § 9–1A–01 of the State Government Article.
 - (4) “Video lottery operation licensee” has the meaning stated in § 9–1A–01 of the State Government Article.
- (b) A certification of arrearage on restitution payments that the Central Collection Unit sends to the Agency under § 11–616 of this subtitle shall contain:
 - (1) the full name of the restitution obligor and any other name known to be used by the restitution obligor;
 - (2) the Social Security number of the restitution obligor; and
 - (3) the amount of the arrearage.
- (c) If a restitution obligor who is overdue in restitution payments wins a lottery prize to be paid by check directly by the Agency, the Agency shall send a notice to the restitution obligor that:
 - (1) the restitution obligor has won a prize to be paid by the State Lottery and Gaming Control Agency;
 - (2) the State Lottery and Gaming Control Agency has received notice from the Central Collection Unit of the restitution obligor’s restitution arrearage in the amount specified;
 - (3) State law requires the State Lottery and Gaming Control Agency to withhold the prize and to pay it towards the restitution obligor’s restitution arrearage;
 - (4) the restitution obligor has 15 days to appeal to the Central Collection Unit if the restitution obligor disputes the existence or the amount of the arrearage; and

(5) on interception of the prize, the State Lottery and Gaming Control Agency will transfer the prize or the part of the prize that equals the restitution arrearage to the Central Collection Unit.

(d) If a restitution obligor who is overdue in restitution payments wins a prize at a video lottery facility requiring the issuance of Internal Revenue Service form W-2G or a substantially equivalent form by a video lottery operation licensee, the video lottery operation licensee shall send a notice to the restitution obligor that:

(1) the restitution obligor has won a prize to be paid by cash or check directly by the video lottery operation licensee;

(2) the State Lottery and Gaming Control Agency has received notice from the Central Collection Unit of the restitution obligor's restitution arrearage in the amount specified;

(3) State law requires the video lottery operation licensee to withhold the prize and pay it towards the restitution obligor's restitution arrearage;

(4) the restitution obligor has 15 days to appeal to the Central Collection Unit if the restitution obligor disputes the existence or the amount of the arrearage; and

(5) on interception of the prize, the video lottery operation licensee will transfer the prize or the part of the prize that equals the restitution arrearage to the Central Collection Unit.

(e) (1) The Agency or the video lottery operation licensee shall:

(i) withhold and transfer all or part of the prize up to the amount of the arrearage to the Central Collection Unit; and

(ii) pay the excess to the restitution obligor.

(2) The Agency and a video lottery operation licensee shall honor interception requests in the following order:

(i) an interception request under § 10-113.1 of the Family Law Article;

(ii) an interception request under this section; and

(iii) an interception request under § 3–307 of the State Finance and Procurement Article.

(f) (1) On receipt of a notice from the Agency or a video lottery operation licensee, a restitution obligor who disputes the existence or amount of the arrearage may appeal the transfer.

(2) If an appeal is not filed within 15 days after the date of the notice, the Central Collection Unit may retain the withheld prize.

(3) If the restitution obligor appeals the transfer, after a hearing by the Central Collection Unit, the withheld prize shall be:

(i) paid to the restitution obligor;

(ii) retained by the Central Collection Unit; or

(iii) partly paid to the restitution obligor and partly retained by the Central Collection Unit.

(g) The Secretary of Budget and Management and the Director of the Agency may jointly adopt regulations to carry out this section.

(h) A video lottery operation licensee may not be held liable for an act or omission taken in good faith to comply substantially with the requirements of this section.

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